

12-31-01

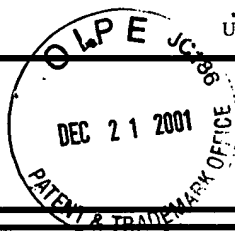
CPA/1616#

PTO/SB/29 (10/00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
☒ **DUPLICATE**

Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Attorney Docket No. of Prior Application</td> <td>514413-3766</td> </tr> <tr> <td>First Named Inventor</td> <td>Hacker et al.</td> </tr> <tr> <td>Examiner Name</td> <td>Clardy, S.</td> </tr> <tr> <td>Group/Art Unit</td> <td>1616</td> </tr> <tr> <td>Express Mail Label No.</td> <td>EL742699534US</td> </tr> </table>	Attorney Docket No. of Prior Application	514413-3766	First Named Inventor	Hacker et al.	Examiner Name	Clardy, S.	Group/Art Unit	1616	Express Mail Label No.	EL742699534US
Attorney Docket No. of Prior Application	514413-3766										
First Named Inventor	Hacker et al.										
Examiner Name	Clardy, S.										
Group/Art Unit	1616										
Express Mail Label No.	EL742699534US										

 RECEIVED
JAN 02 2002
TECH CENTER 1600/2000

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. 1.53(d), (continued prosecution application (CPA)) of prior application number 09/370,373, filed on August 9, 1999 entitled **HERBICIDAL COMPOSITIONS FOR TOLERANT OR RESISTANT MAIZE CROPS**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule. 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P- NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

01/02/2002 GTEFFERA 00000068 09370373

01 FC:131	740.00 OP
02 FC:102	168.00 OP
03 FC:117	920.00 OP

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR. 1.16(c) or (j))	15 - 20* =	0	x \$ 18 =	\$ 0.00
	INDEPENDENT CLAIMS (37 CFR. 1.16(b) or (i))	5 - 3** =	2	x \$ 84 =	168.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270 =	
				BASIC FEE (37 C.F.R. § 1.16)	740.00
				Total of above Calculations =	\$
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent.				908.00
	** Reissue independent claims over original patent			TOTAL =	\$

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27)
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-0320**
- a. ☒ Fees required under 37 C.F.R. 1.16.
- b. ☒ Fees required under 37 C.F.R. 1.17.
- c. ☐ Fees required under 37 C.F.R. 1.18.
8. ☒ A check in the amount of **\$920.00** and a check in the amount of **\$908.00** is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503).
13. ☒ **Other:** Pursuant to 37 C.F.R. 1.136(a), Applicants petition the Assistant Commissioner to extend the time period for response by three months; i.e., up to and including December 27, 2001. Enclosed is a check for **\$920.00** to cover the cost of the extension of time.

NOTE:

*The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

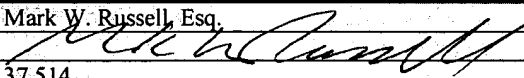
14. NEW CORRESPONDENCE ADDRESS☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name	William F. Lawrence, Esq. FROMMER LAWRENCE & HAUG LLP				
Address	745 Fifth Avenue				
City	New York	State	NY	Zip Code	10151
Country	U.S.	Telephone	(212) 588-0800	Fax	(212) 588-0500

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Mark W. Russell, Esq.
Signature	
Registration No. (Attorney/Agent)	37,514
Date	December 21, 2001

FEE TRANSMITTAL

DEC 21 2001

for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	Continuation Patent Appln. of 09/370,373
Filing Date	Herewith
First Named Inventor	Hacker et al.
Examiner Name	Clardy, S.
Group/Art Unit	1616
Attorney Docket No.	514413-3766

TOTAL AMOUNT OF PAYMENT

(\$ 1,828.00)

METHOD OF PAYMENT1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Name**Frommer Lawrence & Haug LLP**Deposit
Account
Number**50-0320**☒ Charge any Additional Fee Required
Under 37 CFR 1.16 and 1.17☐ Charge the Issue Fee Set in 37 CFR
1.18 at the Mailing of the Notice of
Allowance2. ☒ Payment Enclosed☒ Check☐ Money Order☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					740.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claim	Fee from below	Fee Paid	
15	-20** = 0	X	0.00	
Ind. Claims	5	-3** = 2	X	84.00
Multiple Dependent		X		

** or number previously paid, if greater; for reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
107	510	207	255	Plant filing fee
SUBTOTAL (2)				

(\$908.00)

FEE CALCULATION**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or Cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request of reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second Month	
117	920	217	460	Extension for reply within third month	920.00
118	1,440	218	720	Extension for reply within fourth Month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use Proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive- unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional Applications	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
SUBTOTAL (3)					(\$920.00)

* Reduced by Basic Filing Fee

SUBMITTED BY

Typed or Printed Name

Mark W. Russell, Esq.

Signature

Date

12/21/01

Complete (if applicable)

Reg. Number

37,514

Deposit Account

50-0320

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CERTIFICATE OF MAILING – SEPARATE PAPER

Attorney Docket No. : 514413-3766
Serial No. : Continuation Patent Application of
US Appln. Ser. No. 09/370,373
Applicant(s) Hacker et al.

Date of Deposit December 21, 2001 via "Express Mail" # EL742699534US

I hereby certify that a Continuation Patent Application, a Fee Transmittal Sheet and related documents for the above-referenced application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Assistant Commissioner of Patents
Attention: Box CPA
Washington, D.C. 20231

Charles J. Tucker
(Typed or printed name of person mailing paper or fee)

Charles J. Tucker
(Signature of person mailing paper or fee)